(c) Review by Government on the working of the above Council.

(d) Statement giving reasons for the delay in laying the papers mentioned at (a) and (b) above. [Placed in Library. *See* No. L.T. 221/04]

IV. A copy (in English and Hindi) of the Memorandum of Understanding between the Government of India (Ministry of Social Justice and Empowerment) and the National Minorities Development and Finance Corporation for the year 2004-2005. [Placed in Library. *See* No. L.T. 377/04]

MOTION FOR ELECTION TO THE COFFEE BOARD

SHRI E.V.K.S. ELANGOVAN: Sir, I move the following Motion:

That in pursuance of clause (b) of sub-section 2 of section 4 of the Coffee Act, 1942 (VII of 1942), read with sub-rule (2) of Rule 4 of the Coffee Rules, 1955, this House do proceed to elect, in such manner as the Chairman may direct, one Member from among the Members of the House to be a Member of the Coffee Board in the vacancy caused by the retirement of Shri H.K. Javare Gowda from the membership of Rajya Sabha on the 2nd April, 2004.

The question was put and the motion was adopted.

MATTER RAISED WITH PERMISSION

Issue arising out of the Punjab termination of Agreements Bill, 2004

THE LEADER OF THE OPPOSITION (SHRI JASWANT SINGH): Mr. Chairman, Sir, I have sought your permission to seek clarification on the progress, if any, made on the resolution of the river water issue following the hon. Prime Minister's brief statement and assurance in the House on 13th July. If you would recollect, Sir, I had then submitted that it was not at all a question which we treat as a partisan matter; it was not a question on which there ought to be any assumption as if the State of Punjab was pitted against any other State. After we raised the matter in the House, the

Leader of the Opposition in the Lok Sabha and I took the initiative to call on the hon. Prime Minister - hon. Shri Pranab Mukherjee was also present there - and we had made certain submissions. I had then, in the subsequent intervention made by the hon. Prime Minister, given an assurance that we would cooperate fully with the Government in finding an early resolution to this very highly complex and extremely sensitive issue. Now a week's time has elapsed, it was our expectation that the Government would take some initiative in this regard and at least would come forward to inform the House as to what is being done. Quite rightly, the Chief Ministers concerned spoak for the States that they represent. Punjab speaks for Punjab and other States speak for themselves. That is what their mandate is. But what is extremely disappointing is that in this one week's time, all that the Central Government has done was to make an application to the Supreme Court for taking on record subsequent facts and developments after the order that the Supreme Court had earlier passed. With your permission, Sir, I would just read out one or two disturbing aspects of it. There is, of course, a clear statement that the State of Punjab, having passed the Punjab Termination of Agreement Bill, 2004, has terminated all the agreements regarding sharing of the waters of Ravi and Beas. This is the fact that has been submitted to the Supreme Court by the Government. Also, the Chief Secretary of Punjab has informed the Central Government in this regard. And, further by virtue of this Act, the State of Punjab claims itself to be discharged from the Agreements including the Agreements of 1981. The Chief Secretary has further informed the Government that the legislation that has been adopted by the State of Punjab has discharged the Government of Punjab from the obligations cast upon it under the said Agreements, and that law mandates the Government of Punjab and its officials to faithfully and diligently give effect to the provisions of the Punjab Act which is a part of the law that they have enacted. Now, here, what is disappointing and a matter of some concern to us in Parliament is that the Government has merely submitted the facts to the Supreme Court which they were otherwise also required to do because the Supreme Court had required that at certain dates, certain action need be taken, But since by those dates mandated by the Supreme Court, actions could not be taken because of the initiative of the State of Punjab in taking the step which, whatever may be the other subjective views, is now a fact that the whole country has to content itself with. Under the circumstances, in the application submitted to the Supreme Court by the Union Government, along with, of course, placing on record, it is

asking the Supreme Court to pass such other and further orders as the hon. Court may deem fit in the interest of justice. Now, I don't want to use terms of words which can cause injury to any State or injury to the feelings as such. But it is strange that the Central Government is now asking the Supreme Court to pass an order and tell the Central Government what to do in this regard. This, I submit, is an abject surrender; it tantamounts to abdicating its responsibility towards the Union on such a highly sensitive issue which has come up. It does not suffice for the Central Government to go to the Supreme Court and say, "Now you tell us what we should do." We would have expected of the Central Government that in this one week that has lapsed, perhaps, some initiative other than making a submission to the Supreme Court would have been taken. Even now, at the commencement of this week, the reason why I have cited this is to underline the importance of this, to point out the delay and not to subserve the interest of anybody here, certainly, not of the Union of India. It is not a question of Punjab versus the rest. Punjab's interest must be safeguarded -- we stand for that -- but not at the cost of other States, not certainly at the cost of the unity of India. And that is all that we wanted the Government of India, to come forward, to tell us how they are doing it. This is my submission. Thank you.

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Mr. Chairman, Sir, I deeply appreciate the gesture of the Leader of the Opposition of this House as well as the Leader of the Opposition of the other House. The Prime Minister, immediately after making a statement in this House, swung into action. The first one was that the Prime Minister called the Chief Minister of Punjab to see him and expressed his views to the Chief Minister pointing out the difficulties created by the law that has been enacted by the Punjab Legislature. Thereafter, it was our duty -- and consistent with the responsibility of the Union of India -- to meet the aggrieved parties, namely, the State of Rajasthan as well as the State of Himachal. So, we immediately requested the Chief Minister...

AN HON. MEMBER: The Chief Minister of Haryana also.

SHRI H. R.BHARDWAJ: The Chief Minister of Haryana met earlier. He was very unhappy. We assured him that we will also try to protect their interests and he should let us know what should be done keeping in view that peace and harmony of all these adjoining States is a paramount thing. The Chief Minister was very forthcoming. He assured the Prime Minister that he will do nothing which would lead to the breach of peace in the area.

DR. ALLADI P. RAJKUMAR (Andhra Pradesh): He is giving advertisements in newspapers.

SHRI H. R. BHARDWAJ: Will you allow me to make my statement? I am responding to the Leader of the Opposition. I am giving full details and nothing will be hidden because you have been so nice to cooperate. Thereafter, the Chief Minister said, "I have to take this matter to my Cabinet." He said, "I will come back." He made several suggestions. We also discussed it with his Advocate-General and his other officers. He made certain suggestions and we noted them. The Chief Minister of Rajasthan could not come that day. Next day, Shrimati Vasundhara Raje, the Chief Minister of Rajasthan also came fully equipped with her law officers and others. We had a long discussion with her. Her paramount concern was that Rajasthan is facing difficulty of water. So, she should get her water flow regularly, which we assured. She wanted some steps to be taken by the Central Government. Immediately, the Central Government assured her that her interests would be kept in view and we will ensure that there will be no difficulty which Rajasthan should face arising out of the SYL problem. The Chief Minister of Haryana promised that he will send some suggestions for action to the Government of India, which we have not received. But, It is not right to say that we have done nothing. We have also, later on, held discussions with Himachal and others. We had four duties as Union of India flowing from the directions of the Supreme Court. I would like to take this House into confidence by saying that the first one was to constitute the Empowered Committee with offices from the two States, i.e., the States of Haryana and Punjab within a definite time-frame. So, the Union Government immediately constituted the Empowered Committee within the stipulated period. The second one was...

MR. CHAIRMAN: Today, such a Committee is useless. They cannot do anything.

SHRI H.R. BHARDWAJ: No, no. Our duty is...*(Interruptions)...*

DR. ALLADI P. RAJKUMAR: I want to know whether the termination of accord was revoked or *not...(Interruptions)...*

SHRI H.R. BHARDWAJ: Will you listen to me? Please sit down. Listen to me. Don't make it a fun*...(Interruptions)...*

DR. ALLADI P. RAJKUMAR: You are supposed to state the facts to the House*...(Interruptions)...*

MR. CHAIRMAN: Let him complete...*(Interruptions)...*

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): You are abdicating your responsibility...*(Interruptions)...*

MR. CHAIRMAN: Let the Minister complete his speech. *...(Interruptions)...* Please take your seat.

DR. ALLADI P. RAJKUMAR: He cannot snub the Members of this House like this. *...(Interruptions)...* I want to know whether the termination of the accord was revoked or not.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh) : Sir, this is very bad on the part of the Minister...

MR.CHAIRMAN: Let him complete. आप बैठिए ...(व्यवधान)... आप बैठिए ...(व्यवधान)... मंत्री जी को खत्म करने दीजिए ...(व्यवधान)...

SHRI C. RAMACHANDRAIAH: This country's leadership has become bankrupt. They are making fun of nation's growth. They have become bankrupt. *...(Interruptions)...*

MR. CHAIRMAN: Let him complete his speech. आप बैठिए ...(व्यवधान)... एक बार इनको बोलने दीजिए ...(व्यवधान)...

DR. ALLADI P. RAJKUMAR: Sir, I want to know from the Minister whether the termination of accord has been revoked or not. The hon. Minister must state the facts to the House. *...(Interruptions)...* The Chief Minister has not given proper report. *...(Interruptions)...*

SHRI V. NARAYANASAMY (Pondicherry): We will go by the Supreme Court's directions. *...(Interruptions)...*

श्री सभापति: एक बार उनको बोलने दीजिए। बैठिए ।Please take your seat. *...(Interruptions)...*

SHRI C. RAMACHANDRAIAH: Are they protecting the federal character of this country? *...(Interruptions)...*

MR. CHAIRMAN: Please take your seats. *...(Interruptions)...* एक बार उनको बोलने दीजिए। बैठिए ...(व्यवधान)...

एक माननीय सदस्य: आपके माध्यम से बताना चाहता हूँ कि 21 साल हो गए ...(व्यवधान)...

श्री सभापति: वह ठीक है। वह बात हो जाएगी। आप बैठ जाइए। ...(व्यवधान)...

SHRI H.R. BHARDWAJ: Sir, I am very sorry if he has been offended. I apologise...*(Interruptions)...*

DR. ALLADI P. RAJKUMAR: I only put a question. ...*(Interruptions)...* It-is his duty to respond... *(Interruptions)...*

श्री सभापति: आप बैठिए न। क्या कर रहे हैं आप? बैठिए। ...(व्यवधान)...

SHRI H.R. BHARDWAJ: After our meeting with the State of Rajasthan, they were categorically of a certain view and they have given in writing certain suggestions for legal action. We are in the process of examining them. Similarly, the State of Haryana has to send some proposition of law to meet the exigencies arising out of this law, which was passed by the State of Punjab. They have not yet given. We are waiting for it. But it is not that as if we are not doing anything. We are examining all legal aspects arising out of it. We are also examining the earlier references, which were made to the Supreme Court. After we have examined this, then in a day or two we will come back with full action, which we are going to take. The Supreme Court had holiday for two days. We will examine the whole gamut and we want to expedite this matter as early as possible. We will take the House into confidence. This is a very serious matter. Tempers are very high in all the States. I seek the cooperation of the House in this matter as was done earlier by the Leaders and kept in view that we required one or two days to come to a final conclusion. You will know what we are doing in the next two days.

SHRI JASWANT SINGH: As the hon. Minister has stated that in a day or two they will come to the House, I submit for the consideration of the Government and for your consideration, Sir that we are in Session and the present phase is only up to 23rd. It would be appreciated if we could be benefited with the knowledge of what the Government is actually doing in the matter before the House adjourns on 23rd.

SHRI H.R. BHARDWAJ: Sir, I have noted what the hon. the Leader of the Opposition has suggested.

श्री रवि शंकर प्रसाद (**बिहार**): सभापति महोदय, मैं आपसे आग्रह करना चाहता हूँ कि...

श्री सभापति:इसी मामले में कहना चाहते हैं?

श्री रवि शंकर प्रसाद:नहीं सर। ...(व्यवधान)... इसके बारे में गृह मंत्री जी ने कहा था कि उनके खिलाफ केस ...(व्यवधान)... यह बहुत गंभीर विषय है। ...(व्यवधान)... पेपर में

छपा है कि इस सरकार के एक मंत्री के खिलाफ हत्या के मामले मे वारंट जारी हो गया है और सदन को गुमराह किया गया है। ...(व्यवधान)... अल्पसंख्यकों की हत्या हुई है। ...(व्यवधान)...

SHRI DIPANKAR MUKHERJEE (West Bengal) : Sir, I have given notice...*(Interruptions)*...This should not go on record.

MR. CHAIRMAN: We shall take up the Appropriation (Railways) Vote on Account No.2 Bill, 2004. *...(Interruptions)...*

श्री रवि शंकर प्रसाद:प्रधानमंत्री इस मामले पर ...(व्यवधान)...

श्री सभापति:अब आप बैठ जाइए। ...(व्यवधान)... बैठिए।

प्रो. राम देव भंडारी (बिहार):जिसका मन होता है, खड़ा हो जाता है।

SHRI DIPANKAR MUKHERJEE: This practice of bringing newspapers should be stopped...*(Interruptions)*... I can come to the House with one news item or the other daily...*(Interruptions)*.. This should not go on record...*(Interruptions)*...Some newspapers are getting publicity out of all these things...*(Interruptions)*...

श्री रवि शंकर प्रसाद:सर, स्टेटमेंट आ जाए। ...(व्यवधान)...

श्री दीपांकर मुखर्जी:सर, यह सब रिकॉर्ड में नहीं आना चाहिए। ...(व्यवधान)...

श्री रवि शंकर प्रसाद: सर, इस संबंध में प्रधानमंत्री ...(व्यवधान)...

श्री सभापति:आप बैठिए। ...(व्यवधान)... मैं क्या करुं। आपने कह दिया है। ...(व्यवधान)...

SHRI DIPANKAR MUKHERJEE: There is a commercial angle to it. *...(Interruptions)*...Sir, please listen to *roe...(Interruptions)*...

श्री रवि शंकर प्रसाद:अल्पसंख्यकों की हत्या हुई है। ...(व्यवधान)... यह बहुत गंभीर मामला है। ...(व्यवधान)...

श्री सभापति:आप बैठिए। ...(व्यवधान)... आपने मुझे लिखकर दिया है क्या? आपने मुझे लिखकर नहीं दिया और ऐसे ही खड़े हो गए हैं। यह ठीक नहीं है। ...(व्यवधान)... आप बैठ जाइए। ज्यादा अच्छा यही होगा कि आप बैठ जाएं। ...(व्यवधान)... आप बैठिए न। देखिए, रुल्स में सब व्यवस्था है। ...(व्यवधान)... अगर होम मिनिस्टर साहब ने सही बात नहीं कही है तो ब्रीच ऑफ प्रीविलेज का मोशन ले आइए। ...(व्यवधान)... अगर आप परमिशन चाहते हैं तो आप लिखकर दीजिए। आपने लिखकर परमिशन नहीं मांगी, बात नहीं की और यहां खड़े होकर बोल रहे हैं, इसको मैं उचित नहीं मानता। ...(व्यवधान)...

SHRI DIPANKAR MUKHERJEE: Sir, my humble submission is that every day a particular newspaper is doing this to get publicity. *...(Interruptions)...*

श्री सभापति:आप रेलवे बजट सुनिये। ...(व्यवधान)... Shri R. Velu to move a motion for consideration of the Appropriation (Railways) Vote on Account No. 2, Bill, 2004.

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT NO. 2 BILL, 2004

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI R. VELU): Sir, I beg to move:

> "That the Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-2005 for the purposes of Railways, as passed by Lok Sabha, be taken into consideration".

The question was put and the motion was adopted.

MR. CHAIRMAN: Now, we shall take up Clause-by Clause consideration of the Bill.

Clauses 2,3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI R. VELU: Sir, I beg to move:

"That the Bill be returned".

The question was put and the motion was adopted.

THE BUDGET (GENERAL), 2004-2005

MR. CHAIRMAN: Now, we shall take up the General Budget. Shri Yashwant Sinha.

SHRI YASHWANT SINHA (Jharkhand): Mr. Chairman Sir, I rise to offer my comments and the comments of my party on the Budget which has been presented by hon. Finance Minister on the 8th of July, 2004. Let me begin Mr. Chairman by congratulating the hon. Finance Minister for presenting the first Budget of the UPA Government. The first Budget of any